

Appl. No. : 10/690,054
Filed : October 21, 2003

REMARKS

Reconsideration and allowance of this application, as amended, is respectfully requested. Prior to this Amendment, Claims 41-59 were pending in this application. Claims 41, 51, and 56 have been amended to further clarify Applicants' claimed invention. The specific changes to the claims are shown above, wherein the insertions are underlined and the ~~deletions are stricken through~~. In addition, new Claims 60-66 are herein added. Thus, Claims 41-66 are currently pending in this application.

Applicants submit that this application, as amended, is in condition for allowance and such action is earnestly requested. Each of the Examiner's reasons for rejection is addressed below.

I. Double Patenting

Claims 41-59 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-42 of U.S. Patent No. 6,464,003 and Claims 1-41 of U.S. Patent No. 6,640,894. Submitted herewith is a terminal disclaimer to obviate this rejection.

II. Section 102 Rejections

Claims 41, 45-51, and 54-56 stand rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent No. 5,794,703 to Newman *et al.* ("Newman"). With reference to Figures 5-6D of Newman, the Office Action asserts that the claimed structure reads on Newman's structure when Newman's members (418), (502-504), (505, 426) and (the pin and opening connection between members 504 and 505) are respectively considered as "elongated mandrel," "elongated engagement member," "driver," and "driver interaction member."

An anticipation rejection under 35 U.S.C. § 102 requires that "every element of the claimed invention must be identically shown in a single reference." *In re Bond*, 910 F.2d 831, 832 (Fed. Cir. 1990). "There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991).

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Applicants respectfully disagree with this rejection. However, in order to expedite allowance, Applicants have amended independent Claims 41, 51, and 56 to clarify the invention and more clearly distinguish over Newman. Amended Claim 41 recites that the driver interaction element is on a radially inner surface of the engagement member. Amended Claim 51 recites that the driver interaction element is on a radially inwardly facing surface of the engagement member. Amended Claim 56 recites that each engagement member has a radially inwardly facing surface with the driver interaction element of that engagement member. These limitations advantageously allow the interaction of the driver and the driver interaction element to produce a greater radially outward force on the engagement member(s), providing for increased borehole and well bore gripping capability.

Newman discloses, in Figure 5, a lower tractor unit 422 that is longitudinally slidable along a mandrel 418. The unit 422 comprises arm mounts 501 and 505; arms 502, 503, and 504 pivotably connected end-to-end and to the arm mounts; an operating piston 426; and a grip set piston (unlabeled; analogous to grip set piston 419 of an upper tractor unit 413). The operating piston 426 is connected to the arm mount 505 so that relative longitudinal movement between the piston 426 and the grip set piston causes relative movement between the arm mounts. This causes the arm 503 to move radially to engage or disengage a well bore wall.

As mentioned above, the Office Action reads the pin and opening connection between Newman's arm 504 and arm mount 505 as the claimed "driver interaction element." This "driver interaction element" is shown as being substantially on a longitudinal centerline of the arm 504, not on a radially inner surface or radially inwardly facing surface. Therefore, Newman does not disclose every limitation of the amended claims, as required for a Section 102(b) rejection. Accordingly, Applicants respectfully request that this rejection be withdrawn.

The rejected dependent claims, Claims 45-50, 54, and 55, recite additional features of advantage and utility and are allowable on their own merits. Furthermore, these dependent claims are allowable *a fortiori* for substantially the same reasons presented above. Each of these rejected dependent claims depends from and therefore includes all of the limitations of one of Claims 41 and 51, which distinguish patentably over Newman. Newman does not disclose or suggest all of the limitations of Claims 41 or 51, let alone the additional unique combination of

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limitations recited by Claims 45-50, 54, and 55. Accordingly, Applicants respectfully request that the rejection of Claims 45-50, 54, and 55 also be withdrawn.

III. New Claims

Claims 42-44, 52, 53, 57, and 58 stand rejected only under the doctrine of obviousness-type double patenting. The terminal disclaimer filed herewith obviates this double patenting rejection. These claims have been rewritten as new Claims 60-66.

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CONCLUSION

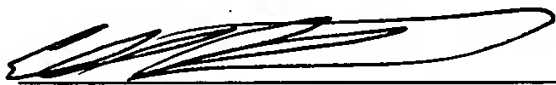
In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. If there is any further hindrance to allowance of the pending claims, the Examiner is invited to contact the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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